

THE PAPERS OF
WILLIAM WOODS HOLDEN

• Volume 1 •

1841-1868

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Jonathan Worth to Holden

A&H:GP

State of North Carolina
Executive Department
Raleigh, July 1st, 1868

Gov. W. W. Holden
Raleigh, N.C.

Sir:—

Yesterday morning I was verbally notified by Chief Justice Pearson¹ that, in obedience to a telegram from Genl. Canby,² he would to-day, at 10 O'Clock A.M., administer to you the oaths required, preliminary to your entering upon the discharge of the duties of *Civil Governor* of the State; and that, therefore, you would demand possession of my office.

I intimated to the Judge my opinion that such proceeding was premature even under the reconstruction legislation of Congress, and that I should probably decline to surrender the office to you.

At sundown, yesterday evening, I received from Col. Williams,³ commandant of this Military Post, an extract from the general orders, No. 120, of General Canby, as follows:—

Headquarters 2nd Military District.
Charleston, S.C., June 30th, 1868.
General Orders,
No. 120.

(Extract)

"To facilitate the organization of the new state governments, the following appointments are made. To be governor of North Carolina, W. W. Holden, Governor elect, vice, Jonathan Worth removed. To be Lieutenant Governor of North Carolina, Tod R. Caldwell, Lieutenant Governor elect, to fill an original vacancy. To take effect July 1st 1868, on the meeting of the General assembly of North Carolina."

I do not recognize the validity of the late election under which you, and those co-operating with you, claim to be invested with the civil government of the State. You have no evidence of your election, save the certificate of a Major General of the United States army. I regard all of you as, in effect, appointees of the Military power of the United States—and not as "deriving your powers from the consent of those you claim to govern." Knowing, however, that you are backed by Military force here, which I could not resist, if I would, I do not deem it necessary to offer a futile opposition, but vacate the office without the ceremony of actual eviction, offering no further opportunity than this my protest. I would submit to actual

expulsion in order to bring before the Supreme Court of the United States the question as to the constitutionality of the legislation under which you claim to be the rightful Governor of this State, if the past action of that tribunal furnished any hope of a speedy trial. I surrender the office to you under what I deem military duress, without stopping, as the occasion would well justify, to comment upon the singular co-incidence, that the present state government is surrendered, as *without legality*, to him whose own official sanction, but three years ago, declared it *valid*.

I am, very Respectfully
Jonathan Worth
Governor of North Carolina.

¹ Richmond Mumford Pearson.

² Major General Edward Richard Sprigg Canby.

³ George Augustus Williams, New York; 1852, graduate U.S. Military Academy; captain, 1861; brevet lieutenant colonel, 1863; commanded Raleigh military post; retired, 1870. Heitman, *Historical Register and Dictionary of the United States Army*, s.v. "Williams, George Augustus."

TELEGRAM

Ed. R. S. Canby to Holden

A&H:GP

Charleston, July 3, 1868

His Excellency
W. W. Holden, Govr. N.C.
Raleigh, N.C.

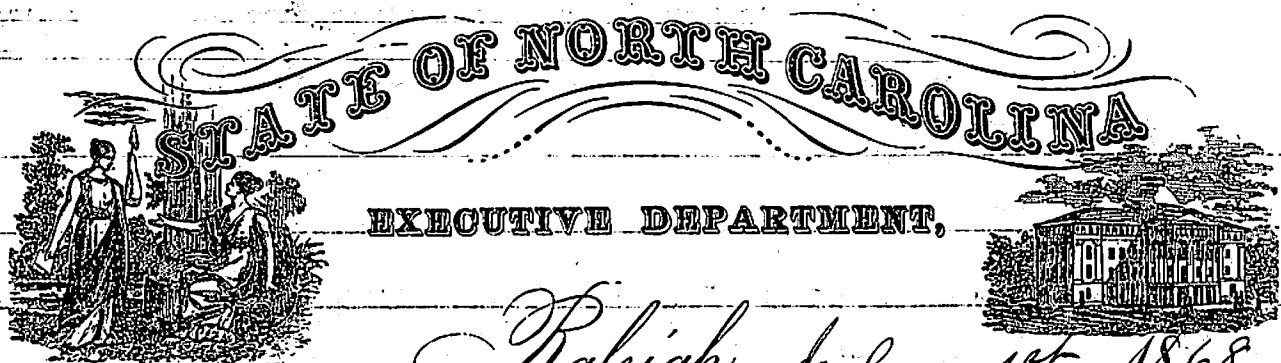
Your telegram announcing the ratification of the Constitutional Amendment¹ by the Legislature of No Ca has been recd., and instructions will be sent to-day to the Military Commanders in No Carolina to abstain from the exercise of any authority under the Reconstruction laws, except to close up unfinished business, and not to interfere in any civil matters unless the execution of the laws of June 25/68, should be obstructed by unlawful or forcible opposition to the inauguration of the new State Govt.

The RRd appointments made by Gov. Worth have been annulled.

Ed. R. S. Canby

¹ The General Assembly ratified the 14th Amendment to the U.S. Constitution by a vote of 34 to 2 in the state Senate and 82 to 19 in the state House of Representatives.

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NORTH CAROLINA
STATE ARCHIVES



Raleigh July 1st 1868.

Gen W W Holden

Raleigh, N. C.

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"Headquarters 2nd Military District
Charleston, S. C., June 30th 1868.

Genl. Orders }
No. 120 }

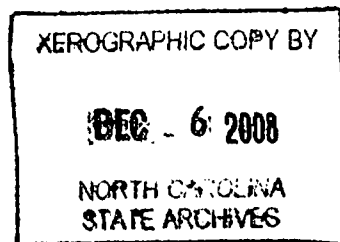
(Extract)

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any of actual eviction, offering no further opposition than this my protest. I would submit to actual expulsion in order to bring before the Supreme Court of the United States the question as to the constitutionality of the legislation under which you claim to be the rightful Governor of the State, if the past action of that tribunal furnished any hope of a speedy trial. I cannot direct this officer to go on under what I deem resistance my duty, without stopping, as the occasion would well justify, to comment upon the singular coincidence that the present State Government is sustained, as without legality, to him whose own official sanction, but thirteen years ago, declared it valid.

I am, Very Respectfully
Jonathan Worth
Governor of North Carolina.



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STATE ARCHIVES.**

RALEIGH, NORTH CAROLINA CHIEF, ARCHIVES AND RECORDS SECTION

December 6, 2008 Debra A. Blake